



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

AUG 06 2009

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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IN THE MATTER OF THE APPLICATION
OF MASKINA COMMUNICATIONS, INC.,
FOR THE CANCELLATION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. T-04159A-09-0002

DECISION NO. 71223

ORDER

Open Meeting
July 28 and 29, 2009
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Maskina Communications, Inc., ("Maskina" or "Company") has a Certificate of Convenience and Necessity ("Certificate") to provide resold interexchange telecommunications services within Arizona pursuant to Decision No. 65990 (January 6, 2003).

2. On January 5, 2009, the Company filed with the Commission an application for cancellation of its Certificate ("Application"). Maskina stated that it no longer intends to provide service in Arizona and currently has no customers in Arizona.

3. On February 17, 2009, Maskina filed its responses to Commission's Utilities Division Staff ("Staff") First Set of Data Requests ("Responses").

4. On May 5, 2009, Staff filed its Staff Report recommending approval of Maskina's Application.

5. According to Maskina, it ceased service to its last customer on September 30, 2008, three months before it filed its Application. Attached to the Company's Responses is an Affidavit

1 attesting that Maskina has no Arizona customers.

2 6. In its Application, the Company stated that its parent company, Vyke Communications
3 plc, a publicly traded company incorporated in the United Kingdom, has determined to terminate
4 most of its operations in the United States. Maskina's Responses note that it has authority to provide
5 telecommunications services in 41 states and is in the process of surrendering these authorizations.

6 7. Staff verified with the Company that it did not collect advances, deposits and/or
7 prepayments from its former customers.

8 8. The Commission's Consumer Services Section of the Commission's Utilities Division
9 reported that there were no customer complaints, inquiries or opinions against the Company, and that
10 the Company is in good standing with the Commission's Corporations Division.

11 9. The Company did not comply with the terms of A.A.C. R-14-2-1107, requiring the
12 Company to provide notice to customers of its discontinuation of service, a plan for the refund of
13 deposits, a list of alternate providers, and to publish notice of the application. In its Responses,
14 Maskina requested a waiver of these provisions because "it has not been actively providing services
15 under its license in recent months and because the services it previously delivered are readily
16 available from a lengthy list of competitive providers, no areas of the state are measurably 'affected
17 by the application' to cancel its authorization."¹

18 10. Staff concurs with Maskina's reasoning and recommends that Company compliance
19 with the provisions of A.A.C. R-14-2-1107 should be waived.

20 11. As discussed in Decision No. 67404 (November 2, 2004), it would render
21 A.A.C. R14-2-1107 meaningless and would run afoul of the rule's intent and plain language to
22 exempt a Company from the requirements of the rule because it has no customers due to its
23 discontinuation of service. However, as discussed in that Decision, the intent of the rule is to ensure
24 that existing customers have advance notice of a telecommunications provider's pending plan to
25 discontinue service such that they will be afforded an opportunity to procure service through an
26 alternative provider prior to such discontinuance.

27
28 ¹ Responses, page 2.

12. The Company has no Arizona customers and did not collect any advances, deposits and/or prepayments. Under these circumstances, the requirements of A.A.C. R-14-2-1107 should be waived.

13. Staff recommends approval of Maskina's Application and cancellation of the Company's Certificate.

14. Staff's recommendations are reasonable and should be adopted.

CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over the Company and the subject matter of the Application.

3. The cancellation of the Company's Certificate is in the public interest.

4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

6. Staff's recommendations are reasonable and should be adopted.

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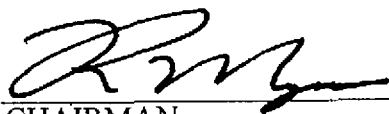
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ORDER

IT IS THEREFORE ORDERED that the Application of Maskina Communications, Inc., for the cancellation of its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services in Arizona shall be, and is hereby, approved, and its Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

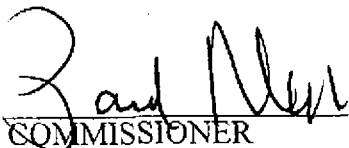
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



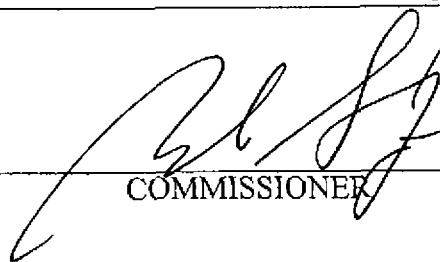
CHAIRMAN



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 6TH day of AUGUST, 2009.



ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

MASKINA COMMUNICATIONS, INC.

2 DOCKET NO.:

T-04159A-09-0002

3
4 Winafred R. Brantl, Esq.
KELLEY DRYE & WARREN LLP
3050 K Street, NW, Suite 400
5 Washington, D.C. 2007

6 Janet Alward, Chief Counsel
Legal Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, Arizona 85007

9 Ernest G. Johnson, Director
Utilities Division
10 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
11 Phoenix, Arizona 85007